CORPORAL PUNISHMENT (OFFENDERS OVER SIXTEEN) ACT

CHAPTER 13:04

Act
7 of 1953

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Note

on

Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 13:04

CORPORAL PUNISHMENT (OFFENDERS OVER SIXTEEN) ACT

ARRANGEMENT OF SECTIONS

SECTION
1. Short title.
2. Power of Court to impose sentences of corporal punishment (on offenders above the age of sixteen years for certain offences.)
3. Limitation of power to award corporal punishment.
4. Number of strokes that may be awarded.
Whipping in lieu of flogging.
5. Determination of age.
6. Sentence to be carried out without delay.
7. Instrument of punishment.
8. Administration of punishment.
9. Medical Officer's report.
10. President may remit sentences.

SCHEDULE.

An Act relating to the Corporal Punishment of Offenders above the age of sixteen years.

(1951-53 Ed). Vol. 1. Ch. 4 No. 28.
7 of 1953.

[2ND APRIL 1953]

Commencement.

Short title.

1. This Act may be cited as the Corporal Punishment (Offenders over Sixteen) Act.

Power to impose sentences of corporal punishment. Schedule.

2. Any male offender, above the age of sixteen years, on being convicted before the High Court of any of the offences mentioned in the Schedule, may be ordered by the Court to be flogged in addition to any other punishment to which he is liable.

Limitation of power to award corporal punishment.

3. (1) In any case where a person convicted is sentenced to undergo capital punishment, corporal punishment shall not be inflicted.

(2) No person shall be sentenced to undergo corporal punishment more than once for the same offence.

Number of strokes that may be awarded.

4. (1) In every sentence of flogging the Court shall specify the number of strokes to be inflicted which shall not in any case exceed twenty.

(2) Where any offender is convicted at one trial of two or more distinct offences, any two or more of which are legally punishable with flogging, the combined sentences of flogging shall not exceed twenty strokes.

Whipping in lieu of flogging.

(3) The Court may in lieu of flogging order the offender to be whipped provided that the number of strokes shall not exceed twenty.

Determination of age.

5. In determining the age of an offender for the purposes of this Act, the Court may, in the absence of direct evidence, adjudge such age according to the appearance of the offender.

Sentence to be carried out without delay.

6. A sentence of flogging shall be carried out as soon as may be practicable and shall in no case be carried out after the expiration of six months from the passing of the sentence.

Instrument of punishment.

7. The instrument to be used for carrying out a sentence of flogging shall be the ordinary cat-o-nine tails and for carrying out a sentence of whipping a rod of tamarind, birch or other switches or in either case such other instrument as the President may from time to time approve.

Administration of punishment.

8. (1) A sentence of flogging shall not be carried out in public but shall be carried out within the walls of the prison within which the offender is imprisoned.

(2) Every sentence of flogging shall be carried out in the presence of the Medical Officer of the prison or of some other duly qualified medical practitioner.

(3) The Medical Officer or practitioner may, in any case in which he considers the offender to be physically unfit to undergo the punishment either before the flogging or after the partial execution of the sentence, interfere and, by order in writing addressed to the Keeper of the prison, direct the flogging or the remainder of the flogging to be suspended.

(4) No persons other than the Medical Officer or practitioner shall be present when a sentence of flogging is carried into execution unless they are officially connected with the prison in which the flogging is inflicted.

Medical Officer's report.

9. The Medical Officer or practitioner appointed to be present at the execution of a sentence of flogging shall, within two days thereafter, report to the President in writing the state and condition of the person so punished, and whether the punishment has been inflicted fully or partially, and, if partially, to what extent, and, if he has interfered to prevent the execution or completion of the punishment directed, the grounds on which he has so interfered.

President may remit sentences.

10. The President, on the receipt of the report mentioned in section 9 may, if he sees fit, by order in writing addressed to the Keeper of the prison where the person sentenced to undergo flogging is imprisoned, altogether remit any part of the flogging, or, subject to section 6, order the same to be inflicted on such other day as the President may see fit.

SCHEDULE

Section 2.

OFFENCES FOR WHICH AN OFFENDER MAY BE ORDERED TO BE FLOGGED

1. Any offence involving violence wherein the offender inflicted a wound with any firearm or any sharp cutting or pointed instrument whatsoever or any bottle or glass, whether broken or otherwise, or any other weapon likely to do any grievous bodily harm.

2. Any offence wherein the offender committed or attempted to commit an assault involving the use of any corrosive fluid or any destructive or explosive substance with intent to disfigure or do any grievous bodily harm to any person or had in his possession such fluid or substance with the intention and for the purposes aforesaid.

3. Robbery with violence, or with aggravation.

4. Rape.

5. Any attempt to commit the offences specified in paragraphs 3 and 4.